IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MONTANA HELENA DIVISION

JORDAN KEEFE,

CV 17-00092-H-BMM-JTJ

Plaintiff,

VS.

ORDER

MONTANA STATE, MICHAEL FLETCHER, and LINDA JESS,

Defendants.

Plaintiff Jordan Keefe filed a Motion for Default arguing that it has been 53 days since service of the summons and complaint and Defendants have not responded. (Doc. 6.) Rule 55(a) of the Federal Rules of Civil Procedure provides, "[w]hen a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party's default."

In this case, there is no indication that the Complaint has been properly served upon Defendants. Because Mr. Keefe is proceeding in forma pauperis, "[t]he officers of the court shall issue and serve all process." 28 U.S.C. § 1915(d). But, as Mr. Keefe was previously advised (Doc. 4), pursuant to the federal statutes governing proceedings in forma pauperis and cases filed by prisoners, federal

courts must engage in a preliminary screening of a case to assess the merits of the

claims. 28 U.S.C. § 1915(e)(2); 28 U.S.C. § 1915A(a). Accordingly, the Court

must identify cognizable claims, or dismiss the complaint, or any portion of the

complaint, if the complaint is frivolous, malicious, fails to state a claim upon

which relief can be granted, or seeks monetary relief from a defendant who is

immune from such relief. 28 U.S.C. § 1915(e)(2); 28 U.S.C. § 1915A. The Court

will not direct service of Mr. Keefe's Complaint until the completion of this

screening process.

Because there is no proof of service of the Complaint in this matter, there is

no basis for the entry of default or default judgment.

Accordingly, the Court issues the following:

ORDER

Mr. Keefe's Motion for Default Judgment (Doc. 6) is DENIED.

DATED this 17th day of November, 2017.

/s/ John Johnston

John Johnston

United States Magistrate Judge

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